

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

6 LOS MORROS LLC,

Plaintiff,

v.

ASSURANCE COMPANY OF AMERICA,

Defendant.

Case No. 09-CV-648-DMS (JMA)

**ORDER SCHEDULING SETTLEMENT
CONFERENCE**

A Case Management Conference was held on December 9, 2009 at 9:30 a.m. A Settlement Conference will be held in the chambers of Magistrate Judge Jan M. Adler on **January 19, 2010 at 9 a.m.**, Room 1165, United States Courthouse, 940 Front Street, San Diego, California 92101-8928. Counsel shall submit settlement statements **directly** to Magistrate Judge Adler's chambers no later than **January 12, 2010**.¹ The parties may either submit confidential settlement statements or may exchange their settlement statements.

All named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear in person at the

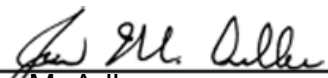
¹Statements under 20 pages in length, including attachments and exhibits, may be delivered directly to chambers, e-mailed to efile_adler@casd.uscourts.gov, or faxed to (619) 702-9939. Statements exceeding 20 pages in length, including attachments and exhibits, must be delivered directly to chambers.

1 conference. The individual(s) present at the Settlement Conference with
 2 settlement authority must have the unfettered discretion and authority on behalf
 3 of the party to: 1) fully explore all settlement options and to agree during the
 4 conference to any settlement terms acceptable to the party (*G. Heileman Brewing*
 5 *Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir. 1989)), 2) change the
 6 settlement position of a party during the course of the conference (*Pitman v.*
 7 *Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-86 (D. Ariz. 2003)), and 3) negotiate a
 8 settlement without being restricted by any predetermined level of authority (*Nick*
 9 *v. Morgan's Foods, Inc.*, 270 F.3d 590, 596 (8th Cir. 2001)).

10 Governmental entities may appear through litigation counsel only. As to all other
 11 parties, appearance by litigation counsel only is not acceptable. Retained outside
 12 corporate counsel shall not appear on behalf of a corporation as the party who has the
 13 authority to negotiate and enter into a settlement. **The failure of any counsel, party or**
 14 **authorized person to appear at the Settlement Conference as required shall be**
 15 **cause for the immediate imposition of sanctions.** All conference discussions will be
 16 informal, off the record, privileged, and confidential.

17 **IT IS SO ORDERED.**

18 DATED: December 9, 2009

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 20 Jan M. Adler
 21 U.S. Magistrate Judge
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